IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 49 OF 2005

SHRI SHASHIKANT VINAYAK NAIK ....Appellant

Versus

SHRI NARAYAN VINAYAK NAIK AND ORS. ....Respondents

Mr. R. V. Kamat, Advocate for the appellant.

Coram:- R. M. LODHA, J.

Date:- 6th October, 2005

P.C.

Heard Mr. R. V. Kamat, learned Counsel for the appellants. I perused the Judgment of Ist Ad-hoc Additional District Judge, Panaji (Appeal Court) as well as the Judgment given by the Civil Judge, Junior Division, Ponda (Trial Court). Though the Judgment of the Appeal Court is that of reversal, I find that the Appeal Court has considered the evidence properly in reaching the finding that the suit house is in joint possession of the plaintiff and the defendants. It is not in dispute that the parties are brothers. The evidence suggests that the house was constructed by their father. The finding recorded by the Appeal Court is a finding of fact based on appreciation of oral as well as documentary evidence. The finding does not give rise to any question of law much less substantial question of law.

The second appeal is, thus, dismissed in limine.

R. M. LODHA, J.

ssm.